
1st Session, 5th Parliament, 18 Victoria, 1854.

PETITION

Of W. L. MACKENZIE, Esq., of Toronto, praying for the payment of certain amounts which he alleges are due him by the Province.

(*The Hon. Mr. Young.*)

*Ordered, by the LEGISLATIVE ASSEMBLY, to be
Printed, 15th December, 1854.*

QUEBEC :
PRINTED BY LOVELL AND LAMOUREUX.

PETITION.

To the Honorable the Legislative Assembly of Canada, in Provincial Parliament Assembled:

THE HUMBLE PETITION OF WILLIAM LYON MACKENZIE, OF
TORONTO, PRINTER,

SHEWETH :—

That Your Petitioner is a creditor of the Government for interest on his salary, as Resident Welland Canal Director, from the time when his claim was audited and settled and acknowledged as due, till the time when it was paid.

That your Petitioner rendered service to the late Province of Upper Canada, during eighteen months in England, for which he refused recompense then, and desires none now.

That expenses were incurred, leaving a balance due of about £500 ; that the Legislative Assembly appointed a Committee of its members to audit that claim, who did so, by an unanimous vote. Mr. Thorburn, Indian Agent, a member of that Committee, is, or was a few days since, at Quebec.

That the award, and interest thereon, are unpaid, and that your Petitioner laid the case before His Excellency, the Governor in Council, in a memorial, given in last Nov. 27th, of which an official copy received from the Clerk of the Executive Council, is in the following words, namely :

To His Excellency, James, Earl of Elgin and Kincardine, Governor General of Canada, in Council.

THE HUMBLE PETITION OF WILLIAM LYON MACKENZIE, OF
TORONTO, EDITOR AND PRINTER,

RESPECTFULLY SHEWETH :—

That your Petitioner, (then a member of the Legislature of Upper Canada, for the County of Peel,) was legally appointed Government Director of the Welland Canal, in 1835, and directed by Special Resolution, as reported by a Committee of the House, to perform the duties of an Acting Commissioner, for investigating its affairs, which duties were arduous, and occupied his whole time for a twelvemonth.

That the other Commissioner, Mr. Thorburn, received \$4 per diem, when occasionally on Canal business, but Petitioner left his claim to the special audit of a Committee of nine members, chosen next year, to examine Canal matters. They awarded £250, which Petitioner applied for, but Government could not pay, for the Annual Supply Bill had failed in Assembly.

The account thus passed upon, in 1836, was not paid till 1851. Petitioner considers that he was as justly entitled to interest, till paid, on an admitted claim for the fulfilment of an official duty, as if he had held a debenture, past due, and of which payment had been refused.

The following is a copy of a letter to Petitioner, correctly stating his case :

“SECRETARY’S OFFICE.

“TORONTO, 6th March, 1851,

“SIR,—I am commanded by the Governor General to inform you that His
“Excellency in Council, has had under his consideration, your letter to me, dated

"January last, with its enclosures, renewing your claims to compensation, for services as a Director of the Welland Canal Company, in the year 1835.

"His Excellency finds that the House of Assembly of Upper Canada, by whom you were appointed Director, named a Committee to investigate your claim to payment, for the services in question, and that the said Committee recommended that the sum of £250 should be paid to you therefor, but as no Supplies were granted during that Session, the recommendation of the Committee could not be carried into effect.

"His Excellency having considered your case, is of opinion, that as you were legally appointed a Director of the Welland Company, by a vote of the House of Assembly, and performed the duties of your office, you are justly entitled to compensation for the same, and he has accordingly been pleased to direct, that the sum of £250 be placed on the Estimates to be laid before Parliament, at the ensuing Session, as a compensation to you, for the services in question.

"I have the honor to be, Sir,

"Your most obedient servant,

"J. LESLIE, Secretary.

"P. S. The Report of the Committee of the House of Assembly, which accompanied your letter, is herewith returned."

That, in 1832, Petitioner, then a Member of Assembly for York, Ontario and Peel, agreed to go to London, as the Agent of a large portion of the people, to His late Majesty's Government, left Canada with a part of his family, intending to be absent but eight months, but having been recognised in England, as duly qualified to represent the friends of certain reforms, and enabled fully to explain the position or state of affairs in this country, and having been specially requested to prolong his stay, and to make representations to the Post Master General, relative to the Canada Post Office, and to Mr. Poulett Thompson for the Board of Trade, and to the Secretaries of the Treasury, upon monetary affairs, and the Government having agreed to consider the measure of a Colonial Post Office, and sent for Mr. Stayner, to London, when the first Bill for that purpose was framed, Petitioner prolonged his stay, for nearly eighteen months.

On Petitioner's return he received the thanks of the Mayor of Quebec, and other influential reformers, and at Montreal the same kind compliments were paid him by Mr. Viger, Mayor of that City, Mr. Papineau, then Speaker of the Assembly, Mr. Bourdages, its doyen, and the liberal Members of the Assembly there, for having acted steadily with Mr. D. B. Viger, while in London, for the common interest of the two Canadas.

That, in 1832, your Petitioner carried to London the Petition of nearly eleven thousand of the Freeholders of the several Counties in Canada West, to the House of Commons, praying for a redress of grievances, which was presented by Mr. Hume, who asked for a Committee of Enquiry, which was rendered unnecessary through an offer of Lord Howick, (now Earl Grey,) on behalf of himself and Lord Ripon, thoroughly to investigate all matters of complaint in Downing Street.

That your Petitioner was also the bearer of nearly fifty petitions to His Majesty, King William IV, from all parts of Upper Canada, which, (including a number of the Members of the Legislature,) were signed by 24,500 of the male adults of that Province, part of which Petitions were presented by Lord Chancellor Brougham, and the remainder by the Colonial Minister; at your Petitioner's first interview with whom he was accompanied by Mr. Hume, Mr. Viger (Agent for Lower Canada) and Mr. Ryerson.

That Lords Ripon and Howick carefully considered Petitioner's statements: discussed with him at the Colonial office the questions embraced in the Petitions to

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the Crown and House of Commons: and after much correspondence with Petitioner, His Majesty's Government agreed to recommend to Sir John Colborne, in a long and able despatch, certain reforms hereinafter enumerated in an address of thanks to the King, moved by Messrs. Bidwell and Perry, in Assembly, February 9th, 1832, expressing "sincere gratitude for the many valuable measures that His Majesty has been graciously pleased to recommend to the Government of this Province, which are eminently calculated, if acted upon, to render His Majesty's loyal subjects more contented and happy; and which are contained in the despatch of Lord Goderich, His Majesty's Principal Secretary of State for the Colonies, dated, Downing Street, 8th November, 1832, and transmitted by Sir John Colborne to the House of Assembly on the 12th day of January, 1833, viz:

1. "The passing of a bill for the amendment of the Election Laws.
2. "The alteration of the Charter of King's College in such a manner as shall agree with the wishes of the people.
3. "The placing the town Members of the Assembly on the same footing in respect to wages as the County Members;
4. "The allowing all the Members of religious denominations who cannot conscientiously take an oath, the privilege of the Elective Franchise;
5. "The interdiction of the disposal of the Crown Lands to favorites, and rendering them the subject of public competition;
6. "The repeal of the law which excluded British subjects from voting at Elections, and being elected, until the expiration of seven years after their return from a residence in a foreign country;
7. "The non-interference of all persons holding official situations in the Province, at Elections;
8. "The strong recommendation of His Majesty for a universal diffusion of Education, especially among the poorest and most destitute;
9. "The desire expressed that the most ample and particular information should be given to this House of the avails and disposition of the casual and Territorial Revenue;
10. "The disposition expressed by His Majesty that the Ministers of Religion should resign their seats in the Councils, and that no undue preference should be given to preachers of the Church of England;
11. "The reducing the cost at Elections;
12. "The respect expressed for our constitutional rights;
13. "The passing of a Bill for the Independence of the Judges;
14. "The passing of a Bill limiting the number of persons holding offices to seats in the House of Assembly."

Petitioner has studiously avoided making any special reference to those personal matters of difference in times gone by, which agitated the surface of society in a remote and thinly-settled Colony, that were not essential to the explanation of his claim.

The Legislative Assembly elected, on Petitioner's return, cordially approved of his conduct while in England; acted upon measures recommended by the Crown, through his means; referred Lord Goderich's despatch and Petitioner's representations on which it was founded, to a special Committee on Grievances; adopted their report upon public affairs; sent it to England where it was submitted to the King, and formed the basis of Lord Glenelg's instructions to Sir Francis Head, as may be seen by reference to that state paper.

Your Petitioner gave eighteen months of his time most willingly to the Country, but as he was not sent originally by the Executive, funds had to be borrowed, over and above a small subscription which was not sufficient to pay the Editor left at Toronto to attend to Petitioner's affairs. For the repayment of those moneys

he was responsible, and he ultimately had to meet the greater part. A very small sum he is still owing.

In the Session of 1835, about 2,000 of Petitioner's constituents petitioned the Legislature for a recompense for memorialist's services; the House specially referred the matter to a Committee, viz: Mr. Thorburn, of Lincoln, Mr. Gibson, of York, Mr. Alway, of Oxford, Mr. Lount, of Simcoe, and Mr. Morrison, before whom Petitioner appeared and refused all compensation, only desiring that the balance of his expenses should be met by the Government through the Supplies.

Their report (see Appendix to the Journal, 1835,) was unanimous. Extracts follow:—"The Select Committee to whom was referred the Petition of John Hugill, Joseph Cawthra, Edward Wright, John Edward Tims, Joseph Shepard, John Leys, Daniel Brooke, William Cawthra, Robert McKay, James Hunter, John Montgomery, and others, Freeholders of the Home District; the petition of Jeremiah Smith and others, Freeholders of the said District; and the Petition of William Reid, Senior, Israel Lundy, Murdoch McLeod, Samuel Hughes, (Lieutenant) William Johnson, and others, Freeholders of East Gwillimbury and Georgina, in said District, have, in obedience to the orders of the House, inquired into the facts stated in the petitions, and beg leave *unanimously* to report:"

"That the Freeholders of the Home District met in great numbers on the 19th January, 1832, in this City, to consider of the best means left them to preserve their civil rights as British subjects; and it was agreed upon, that the only constitutional course left them to pursue, was humbly to address His Majesty, and to crave the aid of the prerogative vested in the Crown for the protection of the people.

"That the Agent they appointed was also chosen by many of the other towns, counties and places of the Province, to carry home addresses expressive of the attachment of the people to His Majesty's Government, and of their confidence that such constitutional means as were in the power of the Crown, would be used for the redress of the grievances of which they complained. These memorials were signed by twenty-four thousand five hundred of the male adult inhabitants of the Colony.

"That the Agent of these Petitioners took his departure for London with a part of his family; was absent from his home about eighteen months, upon a difficult and expensive mission, in no way connected with his private affairs, which were left in the care of one of the Freeholders, a Farmer from the Country, who was unfortunately sick a great part of the time."

"That the yeomanry of the Home District appointed a standing committee to attend to their political affairs, which collected, by subscription, only £150, beyond the amount of their own expenses and disbursements, but depending, as we think they justly might, on the country whose best rights the electors were defending, and of whose petitions Mr. Mackenzie was the bearer, they borrowed on the individual responsibility of some of the members, £400 and upwards, from Joseph Cawthra, Esquire, Toronto, and Mr. Alexander Montgomery, Senior, of York Township, farmer, which sums, with the interest, now amount to nearly £500, and are unpaid. Of these sums, a part was paid to Mr. Mackenzie when he left for Europe; £180 were transmitted to him in the charge of the Rev. Egerton Ryerson, afterwards, and the remainder on his return, to enable him to liquidate debts he had unavoidably incurred in London, and on his way back."

"That Petitions, signed by many thousands of the inhabitants of Upper Canada, from Halton, Wentworth, Leeds, the District of Niagara, Middlesex, Oxford, Lennox and Addington, Stormont, Glengarry, Grenville, Frontenac, Hastings, the Ottawa, Durham, Prince Edward, Northumberland, Dundas, &c., were entrusted to the Committee, and sent by or to its Agent."

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"Your Committee do not consider that Mr. Mackenzie's good or bad success as the agent of the Petitioners, who were at the time, perhaps, a majority of the whole male adults in this Province, ought to guide the House in its decision on the Petitions for remuneration; although, if that had been the criterion, the measure of his success far exceeded the public expectation."

"He was admitted to many audiences of the Ministers of the Crown, and successive Secretaries of State for the Colonies received and listened to his opinions on important matters of policy and government, and avowedly acted upon many of his views and suggestions."

"He has been enabled, through the House of Commons and the consent of His Majesty's Government, to place on the records of the Imperial Parliament, and to expose to the view of the Colonists and the nation, the secret revenues of the Post Office Department of the Canadas, and their misapplication; the correspondence of Military Governors, traducing the people and their representatives; the operation of the Legislative Council in its continual rejection of measures of great and general utility prayed for by the people."

"He was admitted by the Secretary of State to the honor of examining the official records of the Colonial Office, the secret annual returns of the Government of Upper Canada, of the finances of the Colony, the journal of the Executive Council and other documents of importance to the Country."

"He was enabled to bring the condition of the Post Office Department so efficiently before His Majesty's Government as to induce it to send for the Postmaster General of these Colonies to London, and Parliament to pass a Bill declaring that the Colonists of right ought to control that revenue."

"He was enabled to give much information on the subject of Upper Canada to members of the Imperial Legislature, and through the press to the British public; and also to send some useful information on public affairs to Upper Canada."

"He was also authorized to act on behalf of the two Committees, who had transmitted by George Ryerson, Esquire, the Petition of the several religious denominations in 1828, signed by 8008 persons, and in 1830 by 14,000, against the Rev. Dr. Strachan's Chart, and a Church and State Union, and procured from His Majesty's Ministers a recommendation to Dr. Strachan and Bishop Macdonell to quit party politics and the Council Chamber, and attend to their duties in their congregations."

"Mr. Mackenzie appears to us to have done what he could on behalf of the rights of the people, and

"Your Committee recommend to the House to guarantee to Mr. Cawthra and Mr. Montgomery, the balances for which they respectively hold the notes of a number of the members of the Committee of the Freeholders."

In accordance with the House Committee's unanimous award, £500 would have been placed in the Supply Bill in the spring of 1836, but as supplies were then refused to the Lieut.-Governor, owing to the dispute about "Responsible Government," Petitioner had to be responsible for the balance of his own very moderate bill of expenses in Europe.

As he was fully recognised by the British Government, and admitted to discuss, not some special matter, but every public measure then before the Upper Canada public—as the new Assembly, which met in 1835, sanctioned and endorsed his political action, adopting his views as offered to be carried out by the Colonial Office—as these views were embodied in the Seventh Report of the Committee on Grievances, and approved by the House—as the Report was, by Lord Glenelg, made the basis of the Royal instructions to Sir John Colborne's successor in the Administration—and as the House Committee recommended payment of £500, which the refusal of Supplies prevented the then payment of,

Your Petitioner prays that it may please Your Excellency in Council to grant to Your Petitioner £500, being the balance of his actual expenses in 1832-33 as such

Agent, and also the interest that was due on his Welland Canal claim of £250 in 1851, amounting to £100 and upwards.

And Your Petitioner will ever pray.

(Signed,)

WM. L. MACKENZIE.

Quebec, Monday, November 27th, 1854.

That instead of being paid his claim Your Petitioner received an acknowledgment of the receipt thereof as follows:—

SECRETARY'S OFFICE,

Quebec, 29th Nov., 1854.

SIR,—I have the honor to acknowledge the receipt of your Petition, of the 27th instant, praying for the sum of £500 on account of the expenses which, you state, were incurred by you in proceeding to England on the business connected with the affairs of the late Province of Upper Canada, in the years 1832 and 1833;—and also for the sum of £100 and upwards, being the interest on your claim (already paid) of £250 for services as a Commissioner to investigate the affairs of the Welland Canal Company in the year 1835.

In reply, I am directed to inform you that the subject of your Petition will receive the consideration of the Government.

I have the honor to be,

Sir,

Your most obedient servant,

W. L. Mackenzie, Esq.,
&c. &c.

E. A. MEREDITH,
Assist. Secretary.

That your Petitioner would have been paid in 1836, had not Supplies been stoppt as a means to obtain redress of wrongs. The petition to the Assembly of Upper Canada under which Supplies were thus refused—as the present Earl of Derby had advised in a letter to the late Hon. W. W. Baldwin—was entered on the Journals, in these words, viz:

TO THE HONOURABLE THE HOUSE OF ASSEMBLY.

The humble Petition of the undersigned, Inhabitants of the Township of Pickering,

RESPECTFULLY SHEWETH:

“That it is with feelings of sorrow and regret that your Petitioners have witnessed the organized opposition offered by the Legislative Council, and by successive Lieutenant Governors, to the noble and spirited efforts made in the last and present Sessions of the Legislature by Your Honorable House, “to maintain, as well as to amend, the Laws and Institutions of the Country,” in accordance with the advice of our revered Sovereign.

“That the people of Canada deserve kinder treatment than they have hitherto met with at the hand of the Agents of the British Government. They have fought, suffered and bled to maintain its supremacy in this distant land, they have manifested their love for the constitution under the very worst of Colonial Administrations, and have for many years been engaged in a peaceful struggle to obtain a practical recognition of their rights as British subjects; yet it appears that no confidence is placed in them.

“That the correspondence between His Excellency Sir Francis Bond Head, and the members of the Executive Council that was chosen by him on his accession to the government, has revealed to the people, that it is His Excellency's determination not only to retain in his own hands the power delegated to him by his Sovereign, of dismissing the Executive Council, dissolving the Legislature, and appealing to the sense of the people, as often as he may think it expedient

"so to do, but also to be the only responsible Minister of the Colony; he declares that neither the House of Assembly nor the people who elect its members have the right to call him to account for his public acts, whether they be good or evil; that society here is in "an infant state;" that he will be answerable for his proceedings only in England; and that he considers it absolutely necessary that he should have full liberty to act in every case as he may think best, according to the commands of the King and the Colonial Office, 4000 miles distant, and where the wants and wishes of this community are but little known.

"That His Excellency has declared, *that to the opinion of the late Executive Council in favour of a responsible Local Government, and asking that the advice of a Council possessed at once of the confidence of the Sovereign and the people's representatives should be adhered to in the administration of public affairs he can never subscribe. On the contrary, he did not feel himself bound to consult the Executive Council on the affairs of the country.*

"That while His Excellency has thus resolved to hold the powers entrusted to him by his Sovereign, to reduce British subjects to a state of abject vassalage, and deny them the advantages of the Constitution and the forms which secure and maintain it, *the public lands made valuable by their industry are being sold or given away to favorites, and the proceeds of land sales expended without the authority of law; large sums are annually raised in a variety of forms from the people and expended without their consent, and seldom to their advantage; dissension is kept up by the payment of particular priesthoods out of the public revenue; the Clergy Reserves are being alienated, and the proceeds sent to England instead of being applied to educational purposes; the speedy and satisfactory administration of justice, declared by His Majesty to be "the first and most sacred duty of a sovereign," is in a great measure neglected, and the nomination of Justices of the Peace left in the hands of whoever may happen to be the favourite courtier at the Government House for the time being.*

"*That the public debt and interest thereon has been of late years greatly augmented, and that the financial condition of the Colony is becoming daily more and more embarrassing; and that your Honorable House deserves the gratitude of the country for your unwearied industry, in enquiring into, and endeavouring to remove abuses, in passing useful and salutary laws, and in addressing His Majesty, calling his attention to and praying for the removal of those grievances from which the country has long and ineffectually sought relief. That the very great expense of each Legislative Session is chiefly caused by the want of a cordial co-operation with your Honorable House, on the part of successive Lieutenant Governors, and by the systematic rejection, by the Legislative Council, of those bills and measures generally and most earnestly desired for the public benefit. The experience of nearly half a century enables us to declare our entire concurrence in the opinions you have expressed during the present session, "that the Legislative Council, as "at present constituted, has utterly failed, and never can be made to answer the ends for which it was created." So great are the objections of that honourable body to promote the public welfare that even the bill of last session for the destruction of the Wolves which infest and injure many parts of the province, was not allowed to pass into a law.*

"We beg to remind your Honourable House of the inclement season of the year at which the late County Elections were held; the many miles travelled through the worst of roads by the reformers to effect the return of your members; the sacrifices of a pecuniary and personal nature by some, and the uncommon exertions made by others of your constituents, who reasonably expected thereby to secure cheap and honest government; an impartial administration of Justice; the education of their children, and the improvements of the roads and bridges, in all which they have been most lamentably disappointed, by means of our Lieut. Governors and their Legislative Councils, to whose ruinous proceedings you have not hitherto offered that constitutional resistance the country had a right to expect.

" Under these circumstances, we humbly, yet earnestly entreat your Honorable House, to hasten to address His Majesty for the removal of advisers of the Crown in this Colony ; to request the attention of the Commons of the United Kingdom to the state of public affairs ; and to take the only effectual and constitutional step which is left you to check arbitrary power, and for maintaining the rights of your injured constituents by withholding all supplies of the public money from a government which openly declares its determination to subvert and nullify those ancient fundamental laws and usages so agreeable to nature and reason. for the protection of which the faith and honor of the British nation stand solemnly pledged to the colonists.

" Successive Houses of Assembly have declared that to your Honorable House it of right belongs to choose your own officers and confidential servants ; and it appears from the Despatch of Lord Glenelg of the 15th December last, that the King does not dissent from these views. We pray that this right may be so exercised that the records of your House and the petitions of the people may not be entrusted to those who are the avowed enemies of free institutions.

" And as a speedy return to your constituents may possibly be the result of your firmness in the defence of liberty, we pledge ourselves to stand by you at the hour of trial with our voices and influence ; and in order that there may be less cause given for controverted elections we pray you to hasten to give effect to a bill for the better regulation of the election laws, which are at present defective in some very important features.

" We further pray you, as the Great Council of the Province, to address the Lieutenant Governor, requesting him to remove, as being unworthy of trust, the members of the Executive Council whose names have lately been gazetted, and to appoint, as His Councillors and principal Officers, persons possessing the confidence of your Honorable House and of the Country.

(Signed,) " ROBERT BURNS," and others.

May it please your Honorable House to cause the claims justly due to your Petitioner to be paid, and Petitioner will ever pray.

W. L. MACKENZIE.

Quebec, December 13, 1854.